

**U.S. Department of Labor**

Office of the Solicitor  
201 Varick Street  
New York, New York 10014



Reply to the Attention of:  
SOL: JDW  
212-337-2094

By Facsimile and Regular Mail 617-748-9096

December 15, 2006

The Honorable Nancy Gertner  
United States District Court for the  
District of Massachusetts  
1 Courthouse Way  
Boston, Massachusetts 02210

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
FILED OFFICE  
MAY 23 2007  
PQ 21

Re: Department of Labor v. Elliot, et al., 06-CV-10812  
Desmond, et al. v. Batt, et al., 05-CV-10355

Dear Judge Gertner:

We are writing to respectfully request that the Court convene a settlement mediation in the referenced matter. Marked progress toward resolution of the case has been made by certain parties, but a full resolution of the case has not been achieved. We believe the Court may be able to assist in bringing the parties toward a full resolution. Even if a full resolution cannot be achieved, we believe that efficiency favors a Court assisted attempt before full litigation is undertaken. We request that Your Honor conduct the mediation, or refer the case to a Magistrate Judge if Court procedure so requires.

All parties consent to this request for a settlement mediation.

Thank you for your consideration.

Sincerely,

Patricia Rodenhausen  
Regional Solicitor

By:   
Jennifer Weekley

cc: Arthur D. Goldman, Esq.  
P.O. Box 115  
Paoli, Pennsylvania 19301  
FAX 610-296-7730/610-296-7708  
Attorney for Defendant  
Anthony Scialabba, Esq.

Michael O. Kassak, Esq.  
457 Haddonfield Rd., Suite 400  
Cherry Hill, NJ 08002  
FAX 856-317-1342  
Attorney for Defendant  
Morton Batt

William Murray, Esq.  
Vaira & Riley  
1600 Market St., Suite 2650  
Philadelphia, PA 19103  
FAX 215-751-9420  
Attorney for Defendant  
John E. Elliot II

Henry C. Dinger, Esq.  
Goodwin, Procter LLP  
Exchange Place  
53 State Street  
Boston, Massachusetts 02109  
FAX-617-523-1231  
Attorney for Citistreet

Ronald M. Jacobs, Esq.  
Conn, Kavanaugh  
Ten Post Office Square  
4<sup>th</sup> Floor  
Boston, Massachusetts 02109  
FAX-617-482-6444  
Attorney for Mr. Scialabba

Joseph Buttafuoco, Esq.  
2509 Park Avenue, Suite 1C  
South Plainfield, NJ 07080  
FAX 908-668-8927  
Attorney for Mr. Scialabba

Thomas Caffrey, Esq.  
Caffrey & Smith  
P.O. Box 1317  
300 Essex Street  
Lawrence, Massachusetts 01842  
FAX 978-683-3399  
Attorney for Desmond Plaintiffs